

BRAIN INJURY RIGHTS GROUP

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February 1, 2023

VIA ECF

Hon. Katherine Polk Faila
United States District Judge
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *Abrams et al. v. New York City Dept. of Educ.*: 22-cv-02546 (KPF)

Dear Judge Faila,

As you may recall, the undersigned represents the Plaintiffs in the above-referenced action. I write in response to the Defendants' Letter Motion filed yesterday, January 31, 2023.

To begin, the Letter Motion filed by Defendants surprised the undersigned, considering Defendants failed to reach out to, or confer with, the Plaintiffs before making their motion. While Defendants boldly note in their letter, "We do not understand Plaintiffs' delay," Plaintiffs respectfully remind Defendants they did not fully resolve this matter until November 14, 2022, as reflected in the Parties Joint Letter on January 13, 2023. [ECF No. 25]. In the Joint Letter, the Plaintiffs stated that billing records would be provided to the Defendants on or about January 18, 2023. [*Id.*].

As also noted in the letter, the billing manager at the firm was on jury duty in Brooklyn for a criminal matter. And other employees were absent because of the coronavirus. The billing manager's jury duty lasted longer than expected. The trial ended up taking four weeks. The billing manager has returned to the office recently and is working diligently to catch up on missed work, including generating the invoices for this matter and several others. Records are carefully reviewed before they are produced, and revised if necessary.

The Plaintiffs apologize for the delay and respectfully contend that the Defendants' motion is unnecessary and only escalates counsel fees unnecessarily. The Plaintiffs will send the invoices to the Defendants soon. There is, therefore, no need for the Court to change its previous deadline, specifically, the joint update on the resolution of this matter by April 14, 2023, [ECF No. 26].

The Parties appreciate the Court's attention and courtesies in this matter.

Respectfully submitted,

Ashleigh C. Rousseau

Ashleigh C. Rousseau (5801923)

Cc: Martha Nimmer, Esq.
NYC Law Department
100 Church Street
New York, New York
via ECF

The Court is in receipt of Defendants' letter motion to compel Plaintiffs to provide billing records (Dkt. #27), as well as Plaintiffs' above response (Dkt. #28). The Court understands from Plaintiffs' above letter and the January 12, 2023 joint status letter (Dkt. #25), that the delays in providing billing records have been occasioned by Plaintiffs' billing manager serving on a jury. That being said, Defendants represent that they have been seeking these records for months, and the Court agrees that Plaintiffs should be able to easily produce the invoices. Because Plaintiffs now state that they "will send the invoices to the Defendants soon[,]," the Court denies Defendants' motion to compel without prejudice to its renewal. If Plaintiffs fail to produce these records to Defendants by **February 17, 2023**, Defendants should renew their application with the Court.

In light of the delay, the deadline for the parties to submit the next joint status letter is hereby ADJOURNED to **May 7, 2023**. Because there are no pending deadlines in this case other than submission of the joint letter, the Court believes that it is unnecessary to stay this case at this time.

The Clerk of Court is directed to terminate the pending motion at docket entry 27.

Dated: February 1, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE